

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

BRANDON R. DIXON,

Petitioner,

: Case No. 3:22-cv-070

- vs -

District Judge Michael J. Newman  
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe Correctional  
Institution,

:

Respondent.

---

---

**DECISION AND ORDER DENYING TRANSFER OF MAGISTRATE  
JUDGE REFERENCE**

---

---

This habeas corpus case is before the Court on Petitioner's Motion To Transfer The Above Captioned Habeas Corpus Case To Magistrate Judge Elizabeth P. Deavers, As The Assigned Judicial Officer Pursuant To General Order 22-05 (ECF No. 28).

Prior to the adoption of General Order 22-05, all habeas corpus case in this District were randomly referred to one of the Magistrate Judges resident at the seat of court where the Petition was filed. As of February 1, 2022, the Magistrate Judge for reference was chosen at random from the Magistrate Judges of the entire District regardless of the location at which they were resident in order to even the Magistrate Judge workload. After the adoption of General Order 22-05, the Court continued the practice it has had for many years of allowing the transfer of Magistrate Judge references at the request of the transferor Magistrate Judge and with the consent of the transferee Magistrate Judge. That is precisely what happened here: Magistrate Judge Deavers requested as

transfer be made and Magistrate Judge Merz accepted the transfer.

No litigant has the privilege of choosing the judge or judges by whom his or her case will be managed. Petitioner has taken the position that Magistrate Judge Merz should be disqualified for bias and prejudice (ECF No. 24) to which the undersigned has responded (ECF No. 29), but even if that Motion were granted, that would not result in transferring the reference back to Magistrate Judge Deavers.

The Motion to Transfer (ECF No. 28) is DENIED.

September 1, 2022.

*s/ Michael R. Merz*  
United States Magistrate Judge